

Abstract

This diploma thesis deals with state aid and financing of transport infrastructure under the EU law. The main aim of the thesis is to answer the question, whether the financing of transport infrastructure is a state aid and if it so, would it be compatible with the internal market. Member States have to ask these questions while they are deciding whether they should use public funds for specific infrastructural project in transportation industry.

The thesis is divided into two main parts. In the first part author is focused on airport transportation industry, which has been liberalized since early 90's of 20th century. Thanks to the market opening the competition came in and Commission started to control financing of airport infrastructures. Airports were no longer recognized as an infrastructural facilities and their operators were found as an undertaking in the sense of competition judicature. That is why the first chapter is dealing with the historical excursus of state aid law in the field of aviation infrastructure. The author describes the fundamental decisions of Commission and the Court of Justice of the European Union; a great focus is placed on analysis of the decision on the Leipzig-Halle case. In the third chapter of the first part, there is a deep analysis of the relevant documents issued by European Commission on the topic of liberalized air transport market in relation to aviation infrastructure. An important contribution of this thesis are logical analytical grids, which were created by the author for better understanding of the problem of assessing state aid to aviation infrastructure and to bring answers to the above-mentioned questions.

On the basic of the findings from the first part, there is analytical research about the financing of railway infrastructure in the second part. The conclusions are as follow – the railway market is different from the market of aviation infrastructure, there is currently no competition on this market, therefore there is no state aid in presence. Conclusions from the first part may apply only to the liberalized environment, where the competition of the infrastructure managers is present.